

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O.Box 5310
Stateline, Nevada 89449-5310

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

To: TRPA Governing Board

From: John Singlaub, Executive Director

Date: August 18, 2008

Subject: Executive Director Report and Agency Work Program Priorities for September

For the month of September, Agency Work Program Priorities are as follows:

- A. Forest Fuels Reduction Program
- B. Regional Plan Update
- C. Aquatic Invasive Species Eradication Program
- D. EIP Project Permit Processing and EIP Update
- E. Shorezone Regulations Update
- F. Project Review Permit Processing

Highlights and updates for each of these programs are as follows:

A) Forest Fuels Reduction Program

The following matrix provides the status of the Agency response to recommendations from the California-Nevada Tahoe Basin Fire Commission that affect TRPA.

California-Nevada Tahoe Basin Fire Commission Recommendations Specific to TRPA

Recommendation Number	Number of Action Items	Recommendation Summary	Status
CATEGORY 1: Environmental Protection			
1	1	All Public land managing agencies, regulatory agencies and private property owners must work together more effectively to implement fuel reduction projects	Implemented. TRPA Staff is currently working with partners to permit 2008 fuel reduction projects through the Tahoe Fire and Fuels Team.
2	1	Restoration of Tahoe's forests to a fire resistant condition should be a common and primary goal of all public land management agencies, regulatory agencies and private property owners.	Implemented. TRPA Governing Board has made avoidance of catastrophic wildfire the number 1 priority of the TRPA.
6	1	A. Develop and maintain a database clearinghouse, such as TIIMS for compiling information on fuel reduction projects and defensible space. B. Conduct review of available scientific literature relevant to forest management practices.	Partially Implemented. TRPA TIIMS and Technology personnel have been working with the NVFSC and Fire Protection Districts to develop this clearinghouse of data. TRPA is working with the Science Consortium to develop monitoring protocols for fuels treatments. More funding needed.
CATEGORY 2: Issues of Governance			
16	1	TRPA & LRWQCB update plans and policy to emphasize the importance of fuel reduction activities. Priority given to protection of life, property and the environment, in that order.	Partially Implemented. TRPA Code already recognizes the priority of public health and safety and provides overrides as needed.

17	12	Streamline permitting for fuel reduction projects. See below for details.	3-Implemented, 5-Partially Implemented, 2-Under Development with Partners. This recommendation encompasses the bulk of TRPA-specific recommendations and needs to be discussed one item at a time. (See attachment for status on these recommendations)
18	1	Review and amend TRPA ordinances and policies relating to forest health and public health and safety.	Implemented. Some changes already made to Chapter 71-Tree Removal (Diameter limit increase to 14 inches, Defensible Space Assessor) and Chapter 2-Definitions (Defensible Space Assessor)
19	3	TRPA make changes to ingress/egress coverage requirements, amend fire agency MOUs to accept up to 300-foot defensible space on sloped properties and integrate erosion control BMPs with PRC 4291.	3-Implemented. The ingress/egress issues have been solved without any changes to the Code (see attached letter), the MOU-300-foot issue is not an issue with TRPA and not a prohibition in the MOU, BMP and Defensible space integration is being implemented now through Living with Fire.
20	5	Take action to bring perspectives of fire professionals and experts in forest health to TRPA. (See attached document for details)	1-Implemented, 4-Under Development with Partners TRPA has added two fire professionals (one from California and one from Nevada) to the Advisory Planning Commission.
21	7	CA and NV Governors impose duties upon the TRPA to report to the Governors and Legislatures of each State and to congressional delegations of each State, no less than annually regarding a number of issues. (See attached document for details)	3-Implemented, 4-Under Development with Partners Reporting on fuels projects may not be appropriate for TRPA, especially since partner agencies are not required to report to TRPA. This should be a function of the Tahoe Fire and Fuels Team (TFFT).
22	1	Request the TRPA GB voluntarily undertake the above recommendation and provide the Governors the information identified in Recommendation 21.	No Action. The TFFT should take on this reporting function.
23	1	Recommends State Legislatures exercise active and aggressive oversight of the TRPA's activities with regard to the implementation of these Recommendations.	Partially Implemented. Nevada already has a legislative oversight committee and this committee could be appropriate for this purpose.

24	1	The Commission recommends that the USDA Forest Service and the TRPA work cooperatively to revise the MOU with focus on exempting fuel reduction projects from TRPA review.	Partially Implemented. This MOU revision is in progress.
26	1	Recommendation for Lahontan Water Board to transfer to the TRPA by a MOU, all responsibility of the Lahontan Water Board relating to fuels reduction projects performed within the Tahoe Basin.	Partially Implemented. TRPA and Lahontan are currently creating a new MOU for forest fuels projects. The MOU has been scoped, and put out for public comment. The item will be heard at the Lahontan Board Meeting on July 24th.
27	1	Recommends the California Governor direct the Lahontan Water Board to request comments from the TRPA GB prior to enacting any new regulations.	Under Development with Partners. Not directly TRPA's responsibility. However, this may not be needed after Recommendation 26 is implemented.
29	1	Recommended that the Director of CA Resources Agency be empowered by the Governor of California to monitor, and report to the Governor the progress on the development of the MOU between TRPA and the Lahontan Water Board with regard to fuel reduction activities. Submit MOU to Cal Fire for review.	Under Development with Partners. TRPA is agreeable to this. The MOU is subject to public review as part of a GB hearing. CA Resources Agency is welcome to participate. Lahontan has initiated a CEQA process for the MOU changes. (See also Recommendation 26)
35	1	Recommendation to TRPA to expand or adopt MOUs with public land management agencies to exempt tree and vegetation removal from publicly managed urban lots.	Under Development with Partners. The MOU with the USFS already exempts this activity and other public land management agencies MOUs will be reviewed and revised as needed.
CATEGORY 3: Community and Homeowner Fire Prevention			
37	2	Create a single, clear message for property owners to attain defensible space and erosion control BMPs. (see attached document for details)	Implemented. This task is complete. The single message is the new Living With Fire - Second Edition.
41	1	Creation of a single point of contact, such as a "1-800-number", for homeowners to call for information on defensible space and permit requirements.	Under Development with Partners. TRPA can work with Fire Agency partners to help develop this.
42	1	The Commission recommends that Cal Fire, NDF, TRPA, and the Basin fire agencies work together to create defensible space tree marking training so tree marking for defensible space is consistent throughout the Basin. .	Implemented. The first of these annual trainings was held on April 24 - 25. This will be a yearly training opportunity.

44	1	Vigorous enforcement of defensible space provisions, including fines provided for under PRC 4291 and additional fines imposed by TRPA.	Under Development with Partners. We have stated clearly that the Fire Districts have sole responsibility for implementing and enforcing defensible space. TRPA has no authority to impose fines for California law. Also, the FPD's has stated that the compliance of defensible space is solely their responsibility.
45	1	The Commission recommends a Basin-wide effort to encourage ignition resistant building materials. (See attached document for details)	Under Development with Partners. California already has new laws for ignition resistant structures in Wildland Urban Interface communities. This is a function of County building departments and not the jurisdiction of the TRPA. TRPA supports the Counties on Nevada to create such requirements for Tahoe.
CATEGORY 4: Forest and Fuels Management			
52	1	Recommend TRPA continue to make the avoidance of catastrophic wildfire its number one priority.	Implemented. Completed by TRPA GB Resolution
53	1	TRPA GB should take steps to facilitate cost effective fuel reduction projects including access roads for emergency access by fire agencies. (See attached document for details)	Under Development with Partners. TRPA does not manage land, but can encourage and support land managers to implement cost effective fuel reduction projects.
67	1	TRPA and Lahontan should revise policies to fully implement the use of temporary roads and mechanized equipment to expedite fuel reduction activities.	Implemented. TRPA Code allows for temporary roads.
68	1	The Commission recommends the Governors of both States direct the TRPA to take necessary action to allow the use of mechanized equipment in SEZs, including revision to 208 Plan if necessary.	Implemented. Mechanical equipment is allowed in SEZ for fuel reduction purposes under Chapter 71 and the 208 Plan.
72	3	Regulatory and implementation agencies simplify the existing system for monitoring the impacts of fuel reduction projects.	3-Partially Implemented. The TFFT is working with the Tahoe Basin Science Consortium to develop cost effective monitoring methods for fuel reduction projects. The monitoring program is expected to be running for the 2009 field season.

73	1	In order to comply with PRC 4291 and the Professional Foresters (RPF) Law, it is recommended that TRPA identify the privately owned undeveloped lots devoted to urban uses in California.	Under Development with Partners. This can be achieved through a GIS analysis. The California Board of Forestry is responsible of RPF law.
CATEGORY 5: Fire Suppression			
CATEGORY 6: Funding			
86	1	Recommended that TRPA manage the database and GIS components of the fire management system.	Partially Implemented. In progress, funding is needed!
89	1	Recommended that all basin agencies assign as their respective first priority for action, fuel treatment projects that will protect life, property and the environment, in that order.	Implemented. The Multi-agency Coordinating Group works on this issue and delivers its prioritized project list to the TFFT for permitting and implementation.
90	1	The Commission recommends the Governors of both States request the TRPA to submit a supplemental budget request to the two States addressing costs anticipated to be incurred by the TRPA in meeting any addition duties imposed by these recommendations.	Partially Implemented. TRPA is formulating this request.

TRPA Status Report on Recommendation 17 of the Fire Commission's Final Report

Recommendation 17

The Governors should direct regulatory and implementing agencies in the Lake Tahoe Basin to simplify the existing system for permitting fuel reduction projects. Steps that should be taken to reduce or eliminate complexity, confusion, and redundancy shall include:

A. The regulatory restrictions and limitations presently existing, even as presently modified by the TRPA and the Lahontan Regional Water Quality Control Board (LRWQCB), should be further modified, if not waived, on an expeditious basis and no later than the beginning of the 2008 fire season, to allow the use of readily available mechanized equipment and vehicles within Stream Environment Zones (SEZs) to allow for the effective, efficient, and economical removal of hazardous materials. Restrictions regarding the use of mechanized equipment in such areas should be greatly and substantially reduced to make such cleaning and clearing activities within SEZs feasible over the period of time reasonably necessary to complete the Community Wildfire Protection Projects relating to the various communities located within the Lake Tahoe Basin.

STATUS: TRPA Code and the 208 Plan already allow the use of mechanized equipment in SEZ for fuel reduction purposes. The Tahoe Fire and Fuels Team is planning 4 SEZ fuel reduction projects for 2008. To date, the TRPA Code has not been an impediment to any SEZ projects and staff believes work in SEZs can easily be facilitated under the current rules. The Tahoe Science Consortium will be involved in developing monitoring protocols for SEZ projects in order to develop a suite of methods and techniques that will become "qualified exempt" in the near future.

It is important to note that there are other Federal and State regulations protecting streams and water quality. The California Forest Practice Rules, Nevada State Law, the Federal Clean Water Act all regulate disturbance in stream zones, wetlands and around water bodies.

B. The commission recommends that Lahontan and TRPA in cooperation with land management agencies develop a common list of accepted Best Management Practices (BMPs) for mechanical work in SEZs that will be used beginning in the 2008 season to qualify as exempt and qualified exempt projects. In addition to the BMPs used in 2008, a reference guide defining equipment use in SEZs shall be developed by March 2009 and reviewed and updated as new information is collected. This guide will be completed through a cooperative inter-agency effort. TRPA and Lahontan MOUs shall rely on this adaptive process to allow SEZ disturbance as new BMPs are developed and implemented.

STATUS: As stated above, the Tahoe Science Consortium is working with the TFFT this year to develop the necessary monitoring protocols in order to answer important questions regarding impacts of heavy equipment in SEZ's. The BMPs will be site specific. However, as more information is gathered, a common list of BMPs for fuel reduction projects will be developed.

C. The Governors of the States of California and Nevada should request the TRPA Governing Board to expeditiously establish within its ordinances a clear definition, in plain English, setting forth standards as to what constitutes a stream environment zone for the purposes of clearing such areas of hazardous fuels. The standard should be adopted for the purposes of providing a standard that can be uniformly applied by all agencies having environmental regulatory authority in the Basin, eliminating subjective determinations as to such matters, and encouraging the removal of fuels materials from SEZs within populated areas of the Basin and the surrounding WUI. The definition should define SEZ areas in appropriate gradients of sensitivity to equipment use and should be applied uniformly on a Basin-wide basis. The Commission further recommends TRPA: (1) update criteria for delineating SEZs on the ground; (2) incorporate the new natural Resources Conservation Service Soil Survey; and (3) clarify secondary criteria for delineating SEZs related to vegetation types, soil characteristics, and floodplain identification. A crosswalk will be developed to reference SEZs to watercourse and lake protection zones (WLPZs) in the California Forest Practice Rules. It is also recommended that the LRWQCB and all other state agencies having jurisdiction over environmental matters within the Basin should be directed by the respective Governors to apply the same uniform definition and standards in determining what constitutes a stream environment zone for their own regulatory purposes within the Tahoe Basin.

STATUS: The TRPA has developed a rapid assessment method (RAM) for delineating SEZs for fuel reduction projects. The USFS has also developed a methodology to classify SEZ's for fuels reduction projects. The application of these methods will be applied this field season (2008) and adjustments (if any) will be made for 2009 to reflect any lessons learned.

D. In the interim, and not to exceed October 2008, in the event the TRPA does not establish such a uniform definition of SEZ, the Governor of the State of California should direct, within the framework of his authority, all California agencies having jurisdiction over environmental matters within the Tahoe Basin, including the LRWQCB, to apply the provisions of the California Forest Practices Act relating to watercourse protection with regard to SEZs in the Basin. The standard practices prescribed by said Act are understood by potential contractors, and their use will eliminate an impediment to bidders for such fuels reduction projects in the Basin. Further, the Governor should require any deviation from the use of such standard forest practices that results in the imposition of stricter standards to be reported by the agency requiring such deviation with an explanation of the environmental and efficiency tradeoffs considered by such agency when requiring stricter standards to be applied.

STATUS: At present, there has not been a need to apply the Forest Practice Rules Watercourse & Lake Protection Zone (WLPZ) criteria to fuel reduction work in the Basin. The TFFT has been proceeding under the current SEZ regulations and has not encountered any issues to date.

E. The Commission recommends TRPA and Lahontan grant exceptions for disturbance within SEZs for the purposes of completing fuel reduction projects (with equipment) necessary to protect public health and safety as identified in the community wildfire protection plans. The Commission recommends both regulatory boards grant blanket exemptions to a group of fuel reduction prescriptions when the tools or operating

procedures described in the Reference Guide (see “B” above) are developed and implemented.

STATUS: With the information gathered during 2008 SEZ fuel projects, the TFFT, regulatory agencies and the science community will have the information needed to begin moving forward on a “qualified exempt” designation for future SEZ projects.

F. The Commission recommends for fuel treatment projects with potentially significant environmental impacts, all affected regulatory agencies rely on a single or joint environmental analysis and review process (e.g. EIS/EIR) to reach agreement on project specifications, permit conditions, (if applicable), and monitoring.

STATUS: TRPA is in agreement with this recommendation.

G. The Commission recommends raising the minimum diameter limit of live trees requiring a TRPA Tree Removal Permit from 6 inches diameter at breast height (dbh) to 14 inches dbh on all properties throughout the Lake Tahoe Basin.

STATUS: Complete.

H. The Commission recommends allowing winter operations with heavy equipment for fuels reduction over snow or over frozen ground shall be allowed (not in SEZ) through the LRWQCB Waiver Category 1b or 1c Eligibility Criteria.

STATUS: TRPA already allows over-snow winter operations.

I. The Commission recommends TRPA and Lahontan Regional Water Quality Control Board make changes to existing waivers, memoranda of understanding, plans and ordinances such that forest treatment projects involving hand crews are no longer required to submit permit or waiver applications under any circumstances. Projects involving hand crews may be included in an annual spreadsheet submitted by April 1st and amended as needed by the project proponent each year to the Multi-Agency Coordination (MAC) Group or the Tahoe Fire and Fuels Team (TFFT) with project identification, project contact, acres to be treated, and location for all proposed hand thinning treatments. Project proponents may amend the spreadsheet as needed. All agencies and interested public shall have access to this information.

STATUS: The TFFT has begun addressing this through the prioritization, planning and implementation process.

J. The Commission recommends TRPA, Lahontan, USDA Forest Service, and other affected agencies amend their plan and ordinances to allow equipment use on slopes greater than 30% based on current and future technology, and current forest practices to ensure resource protection.

STATUS: This issue is being discussed, but so far no projects in 2008 have had ground steeper than 30%. The TRPA will begin discussions with partner agencies on Code changes to allow equipment use on slopes greater than 30%.

(Note: The Nevada rules governing forestry activities also prohibits mechanical equipment on slopes greater than 30% and requires a site visit from a Variance Committee to proceed.)

K. The Commission recommends as part of forest fuels reduction projects in SEZs, regulatory agencies allow spreading of chipped material to acceptable depths where appropriate.

STATUS: Chipping in some areas of SEZs will be appropriate. Chipping near active streams will not be appropriate for chipped materials as they are easily mobilized and transported into the stream.

L. The Commission recommends incorporating “lessons learned” from research and monitoring efforts into future fuel reduction project designs, eliminating the need to continue the same level of monitoring into all projects.

STATUS: This is the idea behind the Tahoe Science Consortium’s involvement in fuel reduction project monitoring. As lessons are learned, we develop methods and techniques that are “qualified exempt” and defensible.

Summary of TRPA-Specific Fire Commission Recommendations

- 30 Recommendations
- 57 Action Items

Status of 57 Action Items

- 20 Fully Implemented
- 15 Partially Implemented
- 22 Under Development with partners

TRPA Responses to Recommendations

- Code Changes
 - Increased the tree removal diameter requiring a permit from 6 inches to 14 inches (diameter at breast height)
 - Created a “Defensible Space Assessor” definition and training program to allow fire districts to have more personnel involved in defensible space assessments.
- Worked with Best Management Practices (BMP) partners and fire professionals to integrate erosion control with Defensible Space requirements.
 - Developed clear, concise public messages and revised “Living With Fire” guidelines with partners
- Worked with Fire Chiefs to solve land coverage issues for health and safety.
- Working with Lahontan Water Board on creation of a new MOU identifying TRPA as the lead agency for vegetation management activities in the
- Working with USFS on MOU to streamline forest fuels permitting
- Dedicated staff to work with the Tahoe Fire and Fuels Team for expeditious permitting and public information.
- TRPA staff chaired and supported the Fire Public Information Team (Fire PIT) resulting in more than six regional news stories and three opinion columns

B) Pathway Regional Plan Update

The TRPA Team continues to refine the project descriptions and to draft goals and policies and related implementation approaches for the various plan alternatives. Workshops are planned to be held with the Governing Board in October and the Advisory Planning Commission and other stakeholders in November to discuss this information and obtain additional public input on the various alternatives. It is anticipated that following the workshops TRPA staff will compile the resulting information and develop the necessary plan documents for the EIS consultant to begin their analysis.

The following diagram describes the Regional Plan Update management structure that has recently been adopted. This structure will provide the ability for the Regional Plan Update team to 1) quickly respond to comments on proposed policies, 2) effectively and efficiently manage staff priorities and workload as related to Regional Plan update documents, and 3) quickly identify issues and escalate them for timely resolution as required.